IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.590 OF 2007
IN
APPEAL {LODGING} NO.61 OF 2007
IN
NOTICE OF MOTION NO.2127 OF 2005
IN
SUIT NO.428 OF 2004

Vinod R. Hinduja & Ors. .... Appellants
Vs.
Vijay A. Multani .... Respondent

Sarvasri D.R. Zaiwala with V.N. Tendulkar
for the Appellants.

Shri Chetan Kapadia i/b M/s. Nankani &
Associates for the Respondent.

CORAM: R.M.S. KHANDEPARKAR &
D.G. KARNIK, JJ.

DATED: MARCH 28, 2007

P.C:

1. Heard. This an application for condonation of delay of 234 days in filing the appeal. The appeal has been filed against the order dated 27-4-2006. It is the case of the appellants that they came to know about the impugned order on 18-6-2006 and thereafter they were pursuing the matter before the Court Receiver with the hope that they will get the necessary relief in the said proceedings. However, pursuant to the order of the learned single Judge in Notice of Motion No.4394 of 2006, dated 20-12-2006, they were left with no alternative than to file an appeal and therefore the

present appeal was filed and consequently there was delay of 234 days in filing the appeal.

2. The learned Advocate for the appellants, on instructions, has also volunteered to deposit a sum of Rs.3,00,000/-, being half the share of the royalty amount, as calculated by the Court Receiver, without prejudice to the rights of the appellants.

3. While accepting the statement made on behalf of the appellants, that the appellants are ready and willing to deposit a sum of Rs.3,00,000/-, being half the share of the royalty amount calculated by the Court Receiver without prejudice to their rights, is accepted and the appellants are ordered to deposit the said amount in this Court within three weeks.

4. Considering the facts and circumstances of the case and sufficient cause being shown for the delay in filing the appeal, and subject to the amount of Rs.3,00,000/- to be deposited as above, the delay is condoned and the appeal is directed to be registered. On registration of the appeal, the same shall be listed for hearing on admission on 23-4-2007, subject to removal of the office objections. The notice of motion is made absolute in above terms and stands disposed of.

(D.G.Karnik, J.) (R.M.S.Khandeparkar, J.)

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